

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 24, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Calisandra Larson.

Roll Call: All members present except Sen. Buhl who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the tenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration SB 94 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Larry Rhoden, Chair

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 14 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 76 and returns the same with the recommendation that said bill be amended as follows:

76cb

On page 1, between lines 6 and 7 of the printed bill, insert:

"An education service agency seeking funding pursuant to this Act shall apply to the Department of Education on forms provided by the department. The amount of funding provided to any education service agency pursuant to this Act shall be based upon the amount of matching funds received by the agency from the federal government or other sources, but the total amount of funding provided may not exceed the total amount appropriated in this Act."

76ca

On page 1, line 4, of the printed bill, delete "five hundred" and insert "one hundred fifty".

On page 1, line 5, delete "\$500,000" and insert "\$150,000".

And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration SB 15
3 and returns the same with the recommendation that said bill be referred to the Committee on
4 Appropriations.

5 Respectfully submitted,
6 J. Mark Johnston, Chair

7 Also MR. PRESIDENT:

8 The Committee on Appropriations respectfully reports that it has had under consideration
9 SB 17, 22, 27, and 90 and returns the same with the recommendation that said bills do pass.

10 Also MR. PRESIDENT:

11 The Committee on Appropriations respectfully reports that it has had under consideration
12 SB 18 and returns the same with the recommendation that said bill be amended as follows:

13 18da

14 On page 1, line 12, of the printed bill, after "The" insert "Bureau of Administration,
15 pursuant to § 5-14-2, shall supervise the design, renovation, and construction of the facilities
16 approved by this Act. The commissioner of the Bureau of Administration and the".

17 And that as so amended said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 SB 19 and returns the same with the recommendation that said bill be amended as follows:

21 19da

22 On page 1, line 12, of the printed bill, after "The" insert "Bureau of Administration,
23 pursuant to § 5-14-2, shall supervise the design, renovation, and construction of the facilities
24 approved by this Act. The commissioner of the Bureau of Administration and the".

25 And that as so amended said bill do pass.

26 Respectfully submitted,
27 Deb Peters, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 HB 1021 and 1031 and returns the same with the recommendation that said bills do pass.

4 Also MR. PRESIDENT:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 110
6 and returns the same with the recommendation that said bill do pass and be placed on the
7 consent calendar.

8 Also MR. PRESIDENT:

9 The Committee on Judiciary respectfully reports that it has had under consideration SB 97
10 which was deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Craig Tieszen, Chair

13 Also MR. PRESIDENT:

14 The Committee on Commerce and Energy respectfully reports that it has had under
15 consideration SB 85 and returns the same with the recommendation that said bill do pass.

16 Also MR. PRESIDENT:

17 The Committee on Commerce and Energy respectfully reports that it has had under
18 consideration SB 32, 57, and 89 and returns the same with the recommendation that said bills
19 do pass and be placed on the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration SB 92 which was deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Ried S. Holien, Chair

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration SB 16 and 21 and returns the same with the recommendation that said bills
4 do pass.

5 Also MR. PRESIDENT:

6 The Committee on Agriculture and Natural Resources respectfully reports that it has had
7 under consideration SB 59 and returns the same with the recommendation that said bill be
8 amended as follows:

9 59ta

10 On page 1, line 5, of the printed bill, delete "a" and insert "an earthen pit or open
11 receptacle".

12 On page 1, line 6, delete everything before "unless".

13 And that as so amended said bill do pass.

14 Respectfully submitted,
15 Shantel Krebs, Chair

16 **MESSAGES FROM THE HOUSE**

17 MR. PRESIDENT:

18 I have the honor to transmit herewith HB 1003, 1056, 1068, 1076, and 1078 which have
19 passed the House and your favorable consideration is respectfully requested.

20 Also MR. PRESIDENT:

21 I have the honor to transmit herewith HCR 1001 and 1002 which have been adopted by the
22 House and your concurrence is respectfully requested.

23 Respectfully,
24 Arlene Kvislen, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

26 Sen. Olson moved that SB 56 be deferred to Monday, January 28, the 13th legislative day.

1 Which motion prevailed.

2 Sen. Olson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
3 Friday, January 25, the 12th legislative day.

4 Which motion prevailed.

5 Sen. Brown moved that SB 119 be referred from the Committee on Education to the
6 Committee on Commerce and Energy.

7 Which motion prevailed.

8 HCR 1001: A CONCURRENT RESOLUTION, in opposition to certain actions by animal
9 rights groups to undermine agricultural producers.

10 Was read the first time, the President waived the referral to committee, and placed
11 HCR 1001 on the calendar of Friday, January 25, the 12th legislative day.

12 HCR 1002: A CONCURRENT RESOLUTION, Urging the United States Supreme Court
13 to revisit the Roe v. Wade case and to overturn its decision.

14 Was read the first time, the President waived the referral to committee, and placed
15 HCR 1002 on the calendar of Friday, January 25, the 12th legislative day.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Sen. Olson moved that the reports of the Standing Committees on

18 Transportation on SB 41 as found on page 162 of the Senate Journal; also

19 State Affairs on SB 83 as found on page 190 of the Senate Journal; also

20 Health and Human Services on SB 75 as found on page 191 of the Senate Journal be
21 adopted.

22 Which motion prevailed.

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 187 Introduced by: Senators Novstrup (Al), Holien, Jensen, Kirkeby, Maher, and Peters
3 and Representatives Greenfield, Cronin, Haggar (Don), Magstadt, Olson (Betty), Steele, and
4 Wick

5 FOR AN ACT ENTITLED, An Act to allow a school district to opt out of the continuing
6 contract requirements for teachers.

7 Was read the first time and referred to the Committee on Education.

8 SB 188 Introduced by: Senators Heineman (Phyllis), Adelstein, Brown, Johnston, Krebs,
9 Maher, Peters, and Sutton and Representatives Sly, Bolin, Cronin, Gibson, Greenfield, Killer,
10 May, Miller, Olson (Betty), Qualm, Schaefer, Schrempp, Wick, and Wismer

11 FOR AN ACT ENTITLED, An Act to make an appropriation to fund the Teach for
12 America grant program.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 189 Introduced by: The Committee on Appropriations at the request of the Office of
15 the Governor

16 FOR AN ACT ENTITLED, An Act to make appropriations from the water and
17 environment fund, the water pollution control revolving fund subfund, and the drinking water
18 revolving fund subfund for various water and environmental purposes and to declare an
19 emergency.

20 Was read the first time and referred to the Committee on Appropriations.

21 SB 190 Introduced by: The Committee on Appropriations at the request of the Office of
22 the Governor

23 FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
24 elderly persons and persons with a disability.

25 Was read the first time and referred to the Committee on Appropriations.

26 SJR 4 Introduced by: Senators Van Gerpen, Adelstein, Begalka, Kirkeby, Lederman, Otten
27 (Ernie), and Vehle and Representatives Nelson, Bolin, Schoenfish, and Verchio

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
2 election an amendment to Article III, section 6 of the Constitution of the State of South Dakota,
3 concerning term limits for legislators.

4 Was read the first time and referred to the Committee on State Affairs.

5 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1003: FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture
7 mediation program.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
11 evaluation and treatment of persons with mental illness.

12 Was read the first time and referred to the Committee on Health and Human Services.

13 HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
14 director's orders to hazardous insurers.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 HB 1054: FOR AN ACT ENTITLED, An Act to repeal certain rule-making authority for
17 the director of insurance.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
20 unemployment insurance employer charges and claimant misrepresentation regarding benefit
21 overpayments and to correct references to certain provisions pertaining to unemployment
22 insurance.

23 Was read the first time and referred to the Committee on Commerce and Energy.

24 HB 1056: FOR AN ACT ENTITLED, An Act to revise various trust and trust company
25 provisions.

26 Was read the first time and referred to the Committee on State Affairs.

1 HB 1061: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
2 regulation of captive insurance companies.

3 Was read the first time and referred to the Committee on State Affairs.

4 HB 1064: FOR AN ACT ENTITLED, An Act to provide for certain methods of
5 disbursement for school district flexible spending accounts.

6 Was read the first time and referred to the Committee on Education.

7 HB 1068: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the
8 deferral of action by municipalities on committee reports.

9 Was read the first time and referred to the Committee on Local Government.

10 HB 1070: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
11 failure to fulfill the responsibilities of jury duty.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1071: FOR AN ACT ENTITLED, An Act to revise the contents of the application for
14 the discharge of a civil judgment debt discharged in bankruptcy.

15 Was read the first time and referred to the Committee on Judiciary.

16 HB 1072: FOR AN ACT ENTITLED, An Act to repeal certain provisions providing a
17 criminal penalty for a political party to endorse or nominate a judicial candidate.

18 Was read the first time and referred to the Committee on Judiciary.

19 HB 1076: FOR AN ACT ENTITLED, An Act to repeal the requirement to separately
20 publish certain information concerning county poor relief from the minutes of the county
21 commissions.

22 Was read the first time and referred to the Committee on Local Government.

23 HB 1078: FOR AN ACT ENTITLED, An Act to revise the location where certain county
24 highway maps may be filed.

25 Was read the first time and referred to the Committee on Local Government.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 61: FOR AN ACT ENTITLED, An Act to allow licensed insurance agents to act as
3 consultants in certain circumstances.

4 Was read the second time.

5 The question being "Shall SB 61 pass as amended?"

6 And the roll being called:

7 Yeas 34, Nays 0, Excused 1, Absent 0

8 Yeas:

9 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
10 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
11 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
12 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

13 Excused:

14 Buhl

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 SB 67: FOR AN ACT ENTITLED, An Act to revise the requirements for health
18 maintenance organizations.

19 Was read the second time.

20 The question being "Shall SB 67 pass as amended?"

21 And the roll being called:

22 Yeas 34, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
25 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
26 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
27 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

28 Excused:

29 Buhl

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 88: FOR AN ACT ENTITLED, An Act to authorize the county to deny bids on county
4 sales of tax deed properties if the bidder is not current on property taxes due.

5 Was read the second time.

6 The question being "Shall SB 88 pass?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
11 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
12 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
13 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 Excused:

15 Buhl

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1022: FOR AN ACT ENTITLED, An Act to repeal certain outdated programs relating
19 to the Department of Human Services.

20 Was read the second time.

21 The question being "Shall HB 1022 pass?"

22 And the roll being called:

23 Yeas 34, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
26 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
27 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
28 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

29 Excused:

30 Buhl

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 55: FOR AN ACT ENTITLED, An Act to make certain form and style changes
5 regarding the bank franchise tax.

6 Was read the second time.

7 The question being "Shall SB 55 pass as amended?"

8 And the roll being called:

9 Yeas 32, Nays 0, Excused 3, Absent 0

10 Yeas:

11 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
12 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
13 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
14 Van Gerpen; Vehle; Welke; White

15 Excused:

16 Buhl; Olson (Russell); Rave

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
20 Certification Board for Alcohol and Drug Professionals and to increase certain fees.

21 Was read the second time.

22 The question being "Shall SB 23 pass as amended?"

23 And the roll being called:

24 Yeas 32, Nays 1, Excused 2, Absent 0

25 Yeas:

26 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
27 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
28 (Al); Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann;
29 Tieszen; Van Gerpen; Vehle; Welke; White

1 Nays:

2 Peters

3 Excused:

4 Buhl; Rave

5 So the bill having received an affirmative vote of a two-thirds majority of the members-
6 elect, the President declared the bill passed and the title was agreed to.

7 Sen. Brown moved that SB 69 be placed to follow SB 68 on today's calendar.

8 Which motion prevailed.

9 SB 72: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
10 inspections of food service establishments by the Department of Health.

11 Was read the second time.

12 The question being "Shall SB 72 pass as amended?"

13 And the roll being called:

14 Yeas 33, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
17 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
18 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rhoden; Soholt; Sutton;
19 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

20 Excused:

21 Buhl; Rave

22 So the bill having received an affirmative vote of a two-thirds majority of the members-
23 elect, the President declared the bill passed and the title was agreed to.

24 SB 70: FOR AN ACT ENTITLED, An Act to improve public safety.

25 Was read the second time.

26 President Pro tempore Brown now presiding.

27 The question being "Shall SB 70 pass as amended?"

1 And the roll being called:

2 Yeas 31, Nays 2, Excused 2, Absent 0

3 Yeas:

4 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
5 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
6 Olson (Russell); Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann;
7 Tieszen; Van Gerpen; Vehle; Welke; White

8 Nays:

9 Begalka; Omdahl

10 Excused:

11 Buhl; Rave

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 SB 86: FOR AN ACT ENTITLED, An Act to increase the minimum salary payable to
15 county officials, state's attorneys, and sheriffs.

16 Was read the second time.

17 The question being "Shall SB 86 pass?"

18 And the roll being called:

19 Yeas 30, Nays 2, Excused 3, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
22 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lucas; Maher; Monroe; Olson (Russell); Otten
23 (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
24 Welke; White

25 Nays:

26 Novstrup (Al); Omdahl

27 Excused:

28 Buhl; Lederman; Rave

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

SB 45: FOR AN ACT ENTITLED, An Act to permit certain persons to renew an operator's license, a motorcycle operator's license, or nondriver identification card without appearing in person at a driver license exam site.

Was read the second time.

The question being "Shall SB 45 pass?"

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Buhl; Lederman; Rave

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 48: FOR AN ACT ENTITLED, An Act to authorize the Transportation Commission to establish rules governing the allowance, placement, and maintenance of newspaper vending machines at interstate rest areas.

Was read the second time.

The question being "Shall SB 48 pass?"

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Buhl; Lederman; Rave

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 68: FOR AN ACT ENTITLED, An Act to revise the controlled substance schedule and to declare an emergency.

Was read the second time.

The question being "Shall SB 68 pass?"

And the roll being called:

Yeas 30, Nays 3, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Novstrup (Al); Olson (Russell); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Nays:

Monroe; Omdahl; Otten (Ernie)

Excused:

Buhl; Rave

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 69: FOR AN ACT ENTITLED, An Act to revise certain provisions of the health professionals diversion program.

Was read the second time.

69oa

Sen. Adelstein moved that SB 69 be amended as follows:

On page 1 of the Senate Health and Human Services Committee engrossed bill, remove the overstrikes from line 14.

On page 2, remove the overstrikes from lines 1 and 2.

On page 2, line 3, delete "~~care~~" and insert "care and the".

Which motion lost.

69ob

Sen. Adelstein moved that SB 69 be amended as follows:

On page 2, line 9, of the Senate Health and Human Services Committee engrossed bill, delete ", or as an alternative to,".

Which motion lost.

69oc

Sen. Adelstein moved that SB 69 be amended as follows:

On page 3 of the Senate Health and Human Services Committee engrossed bill, remove the overstrikes from line 5.

On page 3, line 6, after "entities" insert "or both".

Which motion lost.

The question now being "Shall SB 69 pass as amended?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Buhl; Rave

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1036: FOR AN ACT ENTITLED, An Act to prohibit retention of certain administration costs for untimely 911 surcharge remittances.

Was read the second time.

The question being "Shall HB 1036 pass?"

And the roll being called:

1 Yeas 32, Nays 0, Excused 3, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
4 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
5 (Al); Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann;
6 Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Buhl; Peters; Rave

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1040: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to
12 provide lists of licensed boat dealers.

13 Was read the second time.

14 The question being "Shall HB 1040 pass?"

15 And the roll being called:

16 Yeas 31, Nays 1, Excused 3, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
20 (Al); Olson (Russell); Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
21 Van Gerpen; Vehle; Welke; White

22 Nays:

23 Omdahl

24 Excused:

25 Buhl; Peters; Rave

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
29 practice of optometry.

30 Was read the second time.

31 The question being "Shall HB 1044 pass?"

1 And the roll being called:

2 Yeas 31, Nays 1, Excused 3, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
5 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Novstrup (Al);
6 Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann;
7 Tieszen; Van Gerpen; Vehle; Welke; White

8 Nays:

9 Monroe

10 Excused:

11 Buhl; Peters; Rave

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 **COMMEMORATION**

15 SC 2 Introduced by: Senators Olson (Russell), Adelstein, Begalka, Brown, Ewing,
16 Heineman (Phyllis), Hunhoff (Jean), Jensen, Kirkeby, Lederman, Maher, Monroe, Novstrup
17 (Al), Omdahl, Otten (Ernie), Rave, Rhoden, Soholt, Tidemann, Tieszen, Van Gerpen, Vehle,
18 and White and Representatives Parsley, Bartling, Cammack, Campbell, Carson, Craig, Dryden,
19 Duvall, Erickson, Feickert, Feinstein, Gibson, Haggar (Don), Haggar (Jenna), Hajek, Hansen,
20 Hawks, Hawley, Heinemann (Leslie), Heinert, Hickey, Hoffman, Hunhoff (Bernie), Johns,
21 Kaiser, Killer, Kirschman, Kopp, Magstadt, May, Miller, Nelson, Novstrup (David), Olson
22 (Betty), Otten (Herman), Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum,
23 Russell, Schaefer, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Stevens, Tulson, Tyler,
24 Werner, Westra, Wick, and Wismer

25 A LEGISLATIVE COMMEMORATION, Commending Principal Dan Walsh for his years of
26 service in education in South Dakota.

27 WHEREAS, Principal Dan Walsh, forty-seven years ago, started teaching in the Madison
28 School District. During that time Mr. Walsh served as a teacher for sixteen years and a principal
29 for thirty-one years. Mr. Walsh has also served as a coach in the Madison School District for
30 the past forty-five years, coaching boys and girls basketball and track; and

31 WHEREAS, during each legislative session for the past twelve years, Mr. Walsh has acted
32 as governor for the Madison Fourth Grade Little Legislators; and

33 WHEREAS, on the first day of each legislative session, Mr. Walsh leads the Little
34 Legislators in taking the Oath of Office; and

1 WHEREAS, during the course of the Little Legislators' classroom session, Mr. Walsh visits
2 with student senators and representatives about the progress of their bills and their classroom
3 legislative process. Passed bills are delivered to him by the classroom President of the Senate
4 and Speaker of the House. As governor, Mr. Walsh either signs, vetoes, or sends back the bills
5 for style and form. Upon completion of the classroom legislative session, Mr. Walsh shares
6 classroom bills with the Little Legislators and explains why he either signs or vetoes a bill. The
7 bills that become law are then carried out by the students:

8 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
9 State of South Dakota, that Mr. Dan Walsh is recognized for his commitment to excellence for
10 the past forty-seven years as a South Dakota educator and administrator. He is also recognized
11 for making the legislative process real and applicable for hundreds of Madison Elementary
12 fourth grade students over the past twelve years.

13 Sen. Jensen moved that the Senate do now adjourn, which motion prevailed and at
14 3:50 p.m. the Senate adjourned.

15 Jeannette Schipper, Secretary